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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JASON EDWARD STIDHAM,

Petitioner,

v.

HAROLD WICKHAM, et al.,

Respondents.

Case No. 3:17-cv-00500-HDM-WGC

ORDER

Petitioner Jason Edward Stidham has submitted a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the court is Stidham's motion for appointment of counsel (ECF No. 13).

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970). Here, Stidham's petition is clear in presenting the issues that he wishes to raise, and the legal issues are not particularly complex. Therefore, counsel is not justified. Stidham's motion is denied.

IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (ECF No. 13) is **DENIED**.

IT IS FURTHER ORDERED that respondents' motion for extension of time to file a responsive pleading (ECF No. 14) is **GRANTED** *nunc pro tunc*.

IT IS FURTHER ORDERED that respondents' motion for leave to file PSI under seal (ECF No. 19) is **GRANTED**.

IT IS FURTHER ORDERED that petitioner shall file his reply in support of the petition, if any, within **forty-five (45) days** of the date of this order.

DATED: April 25, 2018.

Howard D McKibben

HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE